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PROVISIONAL SUMMARY RECORD OF THE 50th MEETING

Held at Headquarters, New York,
on Friday, 16 September 1994, at 3 p.m.

President: Mr. BUTLER (Australia)

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The meeting was called to order at 3.25 p.m.

ADOPTION OF THE AGENDA (E/1994/120)

The PRESIDENT declared open the second special session of the Economic and Social Council for 1994, which had been convened in order to address the question of the continued consultative status of the International Lesbian and Gay Association (ILGA), a non-governmental organization on the Roster of the Council, and drew attention to the provisional agenda (E/1994/120).

The Agenda was adopted.

ARRANGEMENTS FOR CONSULTATION WITH NON-GOVERNMENTAL ORGANIZATIONS: STATUS OF THE INTERNATIONAL LESBIAN AND GAY ASSOCIATION WITH THE COUNCIL (E/1994/L.48)

The PRESIDENT drew the Council's attention to draft resolution E/1994/L.48, submitted by the delegation of the United States of America, entitled "Suspension of the consultative status of the International Lesbian and Gay Association with the Economic and Social Council".

Mr. MARRERO (United States of America) said that his Government recognized the very valuable contribution made by non-governmental organizations to the work of the United Nations and wanted them to participate more readily in the work of the Council. At the same time, their participation in the United Nations system carried with it certain responsibilities and standards. Such organization which applied for consultative status had to provide sufficient data on themselves and their member organizations to ensure that their purposes were compatible with those of the Charter.

The International Lesbian and Gay Association (ILGA) had been granted consultative status with the Council in July 1993. Press reports had subsequently revealed that ILGA had an affiliate, the North American Man/Boy Love Association (NAMBLA), which promoted paedophilia, a practice against which there were legal, moral or cultural prohibitions in most States. There had been broad concern over that issue in his country. The United States Government had been working with ILGA on the question since October 1993 and had made clear its intention to seek suspension of the Association's consultative status if NAMBLA or other groups which advocated or condoned paedophilia remained members of ILGA after its annual conference in June 1994.

At that conference, ILGA had expelled NAMBLA and two other pro-paedophilia organizations from its membership and had adopted a resolution stating that groups or associations whose "predominant aim" was to support or promote paedophilia were incompatible with the future development of ILGA. Although the expulsion of the three groups and the adoption of the resolution had been positive steps, the United States was concerned that the ILGA resolution permitted groups which supported or promoted paedophilia as something less than their "predominant aim" to retain membership.

(Mr. Marrero, United States)

Following its own independent review of ILGA affiliate organizations, his Government had learned that other such organizations which might condone or promote paedophilia had remained members of ILGA even after the June conference and it had drawn the Association's attention to a group which sought to promote ILGA paedophilia. ILGA officials had replied that they did not have the means or capacity to screen all affiliated members or to determine the goals and objectives in every case and had no information on the group in question. A recent letter from an ILGA official acknowledged, however, that the group in question was, indeed, a member of the Association. Information obtained about that group established to his delegation's satisfaction that it promoted, endorsed or sought the legalization of paedophilia.

His Government was forced to conclude that ILGA could not provide convincing assurances to the Council that there were no other organizations in its membership which promoted, condoned or supported the legalization of paedophilia. Accordingly, his delegation felt that the Association's consultative status with the Council should be suspended until such time as ILGA could provide such assurances. The responsibility lay with ILGA, he hoped that that Association would apply for the reinstatement of its consultative status when it was ready to provide the necessary assurances regarding the aims of its members. His delegation's proposal had noting whatsoever to do with gay and lesbian rights in general or with ILGA as an advocate for those rights in particular.

Following the submission of draft resolution E/1994/L.48, a number of delegations had put forward various suggestions which improved the text, and his delegation had incorporated those suggestions in a revised draft resolution circulated to the members of the Council as an informal document. He drew attention to the changes that had been made to the preambular paragraphs and read out the three new operative paragraphs.

Mr. SY (Senegal) said that he preferred the original text of draft resolution E/1994/L.48 and did not understand the changes incorporated in the revised text. His delegation had no instructions regarding that text, which, moreover, had been submitted only in English.

Mr. MARRERO (United States of America) said that his delegation understood the concerns expressed by the representative of Senegal and assured him that the changes had been based on suggestions made by other delegations to enable ILGA to present its views and work with the Council. The revised text set forth a fairer procedure and contained a time-frame for consideration of the matter.

Mr. ORDZHONIKIDZE (Russian Federation) said that his delegation shared the views reflected in the draft resolution and believed that its adoption would serve as a warning not only to the organization in question, but also to all other organizations whose activities were not in accordance with the purposes and principles of the United Nations. For that reason, his delegation also believed that the fourth preambular paragraph should be retained since in its original wordings it referred to non-governmental organizations in general and not solely to ILGA. While the proposed revisions did not affect the substance of the issue and therefore posed no problem for his delegation, he wished it to be understood that the adoption of a text which had not been translated into the other official languages and circulated as an official document should not set a precedent for the future.

Mr. SAHRAOUI (Observer for Algeria) agreed with the final point made by the Russian representative. He expressed the hope that any future decisions to suspend the consultative status of a non-governmental organization would be taken first by the Council Committee on Non-Governmental Organizations and then submitted to the Council for approval.

Mr. SY (Senegal) said that, while his delegation had no wish to delay the adoption of the draft resolution, it noted that there was no comparison between the fourth preambular paragraph in the original text and the new sixth preambular paragraph. The former was not addressed to a particular organization but enunciated a general principle and his delegation felt strongly that it should be retained. It would not, however, block the will of the majority.

Mr. BIGGAR (Ireland) said that his delegation had been among those which proposed the deletion of the fourth preambular paragraph, as it believed that the content of the paragraph was adequately covered by the reference in the third preambular paragraph to Council resolution 1296 (XLIV). That resolution set forth a number of principles to be applied to non-governmental organizations. On the one hand, it would be invidious to single out just one of those criteria yet, on the other hand, there should be no ambiguity as to which activities of ILGA were contrary to the purposes and principles of the Organization.

Ms. MURUGESAN (India) said that, while her delegation would prefer to retain the fourth preambular paragraph in the original text, it could agree to the proposed revisions.

Mrs. ESPINOSA (Mexico) said that, in the light of the explanation given by the representative of Ireland, her delegation believed that it was important to be more specific about the reasons for the Council's decision to suspend the consultative status of ILGA. For that reason, her delegation proposed that the final preambular paragraph of the revised text should be reworded to read:

(Mrs. Espinosa, Mexico)

"Deeply concerned about questions which have been raised about whether member organizations or subsidiaries of ILGA may promote or condone paedophilia, contrary to international human rights standards and therefore to the spirit, purposes, and principles of the Charter of the United Nations."

Mr. WISSA (Egypt) said that, while he agreed with the representative of Ireland that resolution 1296 (XLIV) contained adequate safeguards, it would be useful to reinstate the fourth preambular paragraph in the original text, in order to reinforce those principles.

Mr. FITSCHEN (Germany) suggested that, in the third preambular paragraph, following the reference to resolution 1296 (XLIV), wording should be added along the lines of the fourth preambular paragraph in the original text.

Mr. BIGGAR (Ireland) proposed that the third preambular paragraph of the revised text should be combined with the fourth preambular paragraph of the original text and should read:

"Recalling its resolution 1296 (XLIV) of 23 May 1968 on arrangements for consultation with non-governmental organizations, which reaffirms, inter alia, that the aims and purposes of non-governmental organizations having consultative status with the Economic and Social Council shall be in conformity with the spirit, purposes and principles of the Charter of the United Nations."

Mr. MARRERO (United States of America) said that, in a spirit of flexibility, his delegation had no objection to the compromise proposed by the representative of Ireland, based on the suggestion made by the representative of Germany.

Mr. BIAOU (Benin) said that his delegation could accept the Irish proposal, provided that the word "Recalling" was replaced by "Reaffirming" and the word "reaffirms" was replaced by "stipulates".

Mr. SY (Senegal) said that the words "to hold and intersessional meeting before the end of November 1994" in paragraph 2 of the revised draft resolution should be deleted.

Mr. BIAOU (Benin) said that paragraph 3 of the revised text should be deleted and replaced by paragraph 2 of the original text, with the addition of the words "through the Committee on Non-Governmental Organizations" following the phrase "Invites the International Lesbian and Gay Association to apply".

Mr. BIGGAR (Ireland) said that the Council Committee on Non-Governmental Organizations would need a specific mandate from the Council to hold a special meeting on the question and it would therefore be better to include a specific reference to the date of such a meeting.

Mr. ORDZHONIKIDZE (Russian Federation) said that the Council should not prejudge the decision of the Council Committee on Non-Governmental Organizations by using the word "reinstatement" in paragraph 1. The word "action" would be preferable.

Mr. SY (Senegal) said that he saw no reason for scheduling in 1994 a meeting to be held in 1995.

Mr. BIGGAR (Ireland) said that it was important for the draft resolution to indicate that the meeting would be held as soon as possible after the necessary information was provided.

Mr. WISSA (Egypt) with the delegation of Ireland. Paragraph 3 should be retained in its current form.

Mr. BIAOU (Benin) said that a possible solution would be to retain paragraph 3 of the revised draft and to omit the words "before the end of November 1994" in paragraph 2.

Mr. BIGGAR (Ireland) said that the Council Committee on Non-Governmental Organizations should have the possibility of holding an intersessional meeting and of reporting to the Economic and Social Council at its next substantive session.

Mr. BIAOU (Benin) said that the suspension of an organization's roster status was a sanction and there should therefore be no urgency in reinstating that organization until the reason for the imposition of the sanction had been removed. The Council's next substantive session would therefore be the most appropriate time to review the question.

The PRESIDENT said that there was nothing in the draft resolution that would prevent ILGA from being reinstated after the required information had been provided and the appropriate action taken by the Council.

Mr. BIGGAR (Ireland) said that the procedures set out in Council resolution 1296 (XLIV) concerning the imposition of sanctions against an organization must be respected and the organization must be allowed to defend itself. That was why the language in paragraph 2 should make it clear that the Council Committee on Non-Governmental Organizations would have the authority to meet as soon as it had received the information requested.

Mr. MARRERO (United States of America) said that his delegation was also concerned about the question of fairness and due process and would have no interest in prolonging the suspension of ILGA if the required assurances were provided by the organization. He therefore wished to propose that the word "Requests" in paragraph 2 should be replaced by the word "Authorizes".

Mr. SY (Senegal) supported the proposal of the United States of America and further proposed that the words "as a mater of priority", which had no practical meaning, should be deleted.

The PRESIDENT said that there seemed to be consensus on the use of the word "Authorizes" at the beginning of paragraph 2.

Mr. BIGGAR (Ireland) said that his concern had been to ensure that the Council Committee on Non-Governmental Organizations could meet when it deemed appropriate. He would not insist on retaining the specific time-frame and the reference to priority in paragraph 2 of the revised text provided that that was clearly understood.

The PRESIDENT said that there seemed to be agreement among the members of the Council. it had been proposed that the third preambular paragraph should be amended to read: "Reaffirming also its resolution 1296 (XLIV) of 23 May 1968 on arrangements for consultations with non-governmental organizations, which stipulates, inter alia, that the aims and purposes of non-governmental organizations having consultative status with the Economic and Social Council shall be in conformity with the spirit, purposes and principles of the Charter of the United Nations,". Mexico had proposed that, in the fifth preambular paragraph, the phrase "international human rights standards and therefore" should be inserted after the phrase "contrary to". In the operative part of the revised text, the Russian Federation had proposed that the word "reinstatement" should be replaced by the word "action" in paragraph 1. It had been proposed that the first four lines of paragraph 2 should read "Authorizes the Council Committee on Non-Governmental Organizations to hold an intersessional meeting in order to carry out an inquiry into whether any ILGA member organization...". Paragraph 3 would remain unchanged. He took it that the Council wished to adopt the revised text of draft resolution E/1994/L.48, as amended.

It was so decided.

Mr. FERNANDEZ PALACIOS (Cuba) said that, while his delegation supported the decision just taken by the Council, it felt that it must comment on the circumstances and procedures which had led to it. It was surprising that the Council, which had delayed two weeks in dealing with the tragedy in Rwanda, had required only 48 hours in order to meet at the request of an influential member which implicitly threatened to withhold payments of its dues to the regular budget of the Organization if a decision taken by the United Nations was not reversed. That policy of virtual economic blackmail continued to be absolutely inadmissible since it set dangerous precedents that might compromise and paralyse the future work of the United Nations. Cuba also felt that the Council Committee on Non-Governmental Organizations, in accordance with its mandate, should have considered the question under discussion before the Council took a decision on the matter. Nevertheless,

(Mr. Fernandez Palacios, Cuba)

his delegation welcomed the amendments made to the text of the draft resolution.

Ms. IRISH (Canada) said that she supported the suspension of the consultative status of ILGA in order to enable the Council Committee on Non-Governmental Organizations to ascertain whether ILGA-member organizations or subsidiaries promoted or condoned paedophilia. The Council's original decision to accord consultative status to the Association had been in accordance with the principles and regulations that governed the granting of such status to other non-governmental organizations. The Association's basic aim of combating discrimination and human rights abuses against persons on the basis of their sexual orientation was fully consistent with those regulations and basic human rights principles.

Her delegation had been dismayed, however, to discover that the Association's membership included some organizations which were known to support or advocate paedophilia, which was totally repugnant to the basic principles and values which the Council and its subsidiary bodies were committed to uphold. Although her delegation welcomed the measures taken by ILGA to address the problem at its annual meeting in June, it was clear that the Association's consultative status could be reinstated only if and when it had demonstrated conclusively that it had taken all necessary steps to ensure that such groups were excluded from its membership. In the light of the exceptional circumstances surrounding the case, her delegation was anxious to maintain the integrity and openness of the Council's procedures for granting accreditation to non-governmental organizations. The situation under consideration had underscored the importance of the work of the open-ended working group on the review of arrangements for consultations with non-governmental organizations. She urged all members of the Council to participate actively in that exercise.

The PRESIDENT said that the Council had concluded the work of its second special session.

The meeting rose at 5.30 p.m.